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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 BARTHOLOMEW JONES,

10 Plaintiff,

Case No. C18-0914-RSL-MAT

11 v.

12 KING COUNTY, *et al.*,

Defendants.

ORDER DENYING PLAINTIFF'S
MOTION TO COMPEL DISCOVERY

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14 This is a civil rights action proceeding under 42 U.S.C. § 1983. This matter comes before
15 the Court at the present time for consideration of a document which plaintiff identifies as an
16 "Objection and New Request for Discovery" but which is, in effect, a motion to compel discovery.
17 Defendant has filed a response to plaintiff's motion. The Court, having considered plaintiff's
18 motion, and the balance of the record, hereby finds and ORDERS as follows:

19 (1) Plaintiff's motion to compel discovery (Dkt. 20) is DENIED. Plaintiff asserts in
20 his motion that defendants, in their responses to his discovery requests, have doctored records to
21 hide unwanted information, have provided irrelevant information, and have blatantly disregarded
22 some of his requests. (*See id.* at 1-2.) Defendants argue in their response to plaintiff's motion that
23 the motion should be denied because plaintiff failed to meet and confer in an effort to resolve the

ORDER DENYING PLAINTIFF'S MOTION
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1 discovery dispute without court action. (Dkt. 21 at 3-4.) Defendants further argue that they
2 properly, and in good faith, responded to plaintiff's first two discovery requests and that they
3 intend to respond to plaintiff's most recent request, which was set forth in plaintiff's motion papers,
4 in a timely fashion. (*Id.* at 4-5.)

5 Rule 37(a)(1) of the Federal Rules of Civil Procedure requires that a party seeking to
6 compel discovery include in the motion a certification that the moving party "has in good faith
7 conferred or attempted to confer" with the party failing to make disclosures. *See Fed. R. Civ. P.*
8 37(a)(1). LCR 37(a)(1)(A) provides that "a good faith effort to confer with a party or person not
9 making a disclosure or discovery requires a face-to-face meeting or a telephone conference."
10 Plaintiff, in his reply brief, argues that because he made three timely discovery requests in an effort
11 to obtain full discovery, he should be deemed to have satisfied the requirements of LCR 37. (Dkt.
12 22 at 1.) Plaintiff also notes that defendants acknowledged in their response to his motion that he
13 had been trying to obtain information from them in accordance with Fed. R. Civ. P. 26. (*Id.* at 1-
14 2.) This is an apparent reference to a telephone conference which took place between plaintiff and
15 counsel for defendants on September 20, 2018 during which discovery matters were discussed.
16 (See Dkt. 21 at 3-4.)

17 The record makes clear that plaintiff did not comply with the meet and confer requirement
18 prior to filing his motion. Filing multiple discovery requests does not constitute compliance with
19 the LCR 37 meet and confer requirement. And, while it is true that the parties conferred via
20 telephone regarding discovery matters, this telephone conference took place prior to the date
21 defendants' discovery responses were due and, thus, before defendants were aware of plaintiff's
22 dissatisfaction with their responses. It appears from the parties' motion papers that defendants did
23 not become aware that plaintiff was dissatisfied with their responses to his discovery requests until

1 he filed the instant motion. It further appears that if plaintiff had attempted to meet and confer as
2 the rules require, this motion may not have been unnecessary. Because plaintiff failed to comply
3 with the requirements of Fed. R. Civ. P. 37(a)(1) and LCR 37(a)(1)(A), his motion to compel is
4 denied.

5 (3) The Clerk is directed to send copies of this Order to plaintiff, to counsel for
6 defendant, and to the Honorable Robert S. Lasnik.

7 Dated this 2nd day of November, 2018.

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9 Mary Alice Theiler
10 United States Magistrate Judge
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